

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 AID-05 PC-01 SCCT-01 IO-10 /076 W

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R 031745Z SEP 75

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 1294

C O N F I D E N T I A L SECTION 1 OF 2 BRASILIA 7680

E.O.11652: GDS

TAGS: SHUM, PINT, BR

SUBJECT: HUMAN RIGHTS: STATUS REPORT

REF: A. STATE 163275 B. BRASILIA 2462

SUMMARY: SWEEP OF ARRESTS FOLLOWING PCB PRINTING PRESS DISCOVERY HAS CONTINUED AS HAVE REPORTS OF TORTURE AND EVEN KILLINGS. DAILY NEWSPAPERS HAVE AGAIN BEGUN TO HEAR FROM CENSORS, ALTHOUGH INSTANCES HAVE BEEN VERY FEW, AND NEWSWEEKLY VEJA IS UNDER INCREASED CENSORSHIP PRESSURE. DEATH SQUAD ACTIVITIES RESURFACED IN RIO DE JANEIRO STATE BUT REMAINED UNNOTED IN REST OF COUNTRY. ISSUE OF HUMAN RIGHTS HAS RECEDED FROM CENTER OF POLITICAL STAGE, BUT REMAINS CLOSELY LINKED TO DISTENSION. LATTER HAS HALTED: WHILE SIGNS REGARDING RETROGRESSION ON HUMAN RIGHTS ARE MIXED, IT IS AT LEAST CLEAR THAT PROGRESS HAS BEEN HALTED, AND SIGNS OF ITS IMMINENT RESUMPTION ARE NOWHERE TO BE SEEN. END SUMMARY.

1. SINCE OUR LAST OVERALL REPORT ON HUMAN RIGHTS (REF B), DEVELOPMENTS HAVE OCCURRED IN THE AREAS OF ARBITRARY ARREST AND TORTURE, PRESS CENSORSHIP, AND WHAT WE HAVE CALLED "THE PPLITICAL DIMENSION". IN ADDITION, THERE HAS BEEN A RESURGENCE OF "DEATH SQUAD" ACTIVITIES IN RIO DE JANEIRO STATE.

2. THE SWEEP OF ARRESTS FLOWING FROM THE DISCOVERY OF PCB PRINTING PRESSES IN EARLY 1975 CONTINUED, AS DID REPORTS,
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USUALLY DELAYED , OF ABUSE OF PRISONERS. REGARDING AARRESTS IN

GENERAL IN NATIONAL SECURITY CASES, CONGEN SAO PAULO REPORTED LAWYERS IN THE FIELD APPEAR TO CONSIDER THE "OVERSHELMING MAJORITY" OF THEM TO BE ARBITRARY OR EVEN ILLEGAL. REASONS CITED INCLUDE THE MANNER OF THE ARRESTS , IN WHICH AGENTS OFTEN PRODUCE NO IDENTIFICATIONS AND THE PRISONERS ARE IMMEDIATELY HOODED: THE GENERAL "FISHING EXPEDITION" NATURE OF MANY OF THE ARRESTS: THE HOLDING OF PRISONERS IN INCOMMUNICADO: AND FAILURE TO RESPECT THE REQUIREMENTS OF THE NATIONAL SECURITY LAW REGARDING NOTIFICATION AND TIME LIMITS ON DETENTION. IN ADDITION, CONGEN CONTINUED, "MANY LAWYERS CONSIDER THE LAW ITSELF, A DECREE-LAW PASSED WITHOUT CONGRESSIONAL SANCTION, TO BE A 'FRACONIAN' AND UNCONSTITUTIONAL MEASURE INCONSISTANT WITH BRAZIL'S OBLIGATIONS UNDER THE UNIVERSAL DECLARATION OF HUMAN RIGHTS". CONGEN RIO NOTED THAT THE "CLIMATE OF URGENCY" SURROUNDING THE PCB INVESTIGATIONS LED TO THE ARREST OF INNOCENT PERSONS, RESULTING NOT ONLY IN EMBARRASSMENT FOR GOVERNMENT OFFICIALS BUT IN SUBSTANTIAL DAMAGE TO THE PRISONERS' PROFESSIONAL AND FINANCIAL SITUATIONS.

3. IN GENERAL, THE PATTERN OF THE ARRESTS APPEARS TO HAVE BEEN THAT SOME OR EVEN MOST OF THOSE ARRESTED EITHER PROMPTLY OR EVENTUALLY HAVE THEIR SITUATIONS REGULARIZED UNDER THE NATIONAL SECURITY LAW. IN THESE CASES, ORDINARY JUDICIAL PROCEDURES COME INTO PLAY (ALTHOUGH IN THE MILITARY COURT SYSTEM), AND THE NAMES OF THOSE BEING PROCESSED (AND OFTEN SOME INFORMATION ABOUT THEIR ALLEGED CRIMES) ARE PUBLISHED IN NEWSPAPERS. WE HAVE REPEATEDLY HEARD, HOWEVER, THAT IN OTHER CASES THOSE PICKED UP ARE TORTURED AND SUBSEQUENTLY KILLED. SO FAR, THERE HAVE BEEN ONLY TWO NEW INSTANCES THAT WE KNOW OF THIS YEAR OF POLITICAL CASES IN WHICH THE SUBJECT HAS "DISAPPEARED", BUT IF THE ABOVE-MENTIONED REPORTS ARE WELL FOUNDED, IT MAY BE ANTICIPATED THAT THE "MISSING-PERSONS" LIST WILL EVENTUALLY GROW.

4. IT SHOULD BE NOTED THAT EVEN IN THE CASES OF THOSE PRISONERS WHOSE SITUATIONS ARE REGULARIZED, CHARGES OF TORTURE SOMETIMES EMERGE. REPORTED CONGEN SAO PAULO, "SO FAR THIS YEAR THE SAO PAULO ARCHDIOCEAN COMMITTEE OF JUSTICE AND PEACE HAS RECEIVED DENUNCIATIONS CONCERNING 171 CASES OF TORTURE IN SAO PAULO". IN SALVADOR (BAHIA) ARRESTS OF PEOPLE CHARGED WITH LINKS TO THE PCB HAD VARIOUS POSITIVE ASPECTS, ** *****A\$)* \$**

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7. PUZZLING TO MANY OBSERVERS WAS THE CENSORS' USE OF THE TELEPHONE, WHICH LEFT THE PAPERS UNCERTAIN AS TO THE AUTHORITY OF THE MESSAGE. SOME SPECULATED THAT EITHER THE GOVERNMENT WAS EXPERIMENTING WITH A LESS TRACEABLE TECHNIQUE, OR INDIVIDUAL CENSORS WERE INDULGING IN FREE-WHEELING. CLEARER STILL WAS THE REQUIREMENT IMPOSED ON THE NEWSWEEKLY VEJA THAT IT SUBMIT ITS MATERIAL IN ADVANCE IN BRASILIA, INSTEAD OF PASSING IT THROUGH FEDERAL CENSORS IN SAO PAULO AS PREVIOUSLY. DEPT. WILL RECALL THAT THIS REQUIREMENT WAS ESTABLISHED FOR VEJA OVER A YEAR AGO, BUT WAS DROPPED BEFORE GOING INTO EFFECT BECAUSE OF THE PUBLISHERS' PROTESTS THAT THE REQUIREMENT WAS PHYSICALLY AND FINANCIALLY UNWORKABLE AND WOULD KILL THE MAGAZINE. CONGEN SAO PAULO HAS JUST REPORTED HEARING THAT THE LATEST IMPOSITION OF THE REQUIREMENT HAS ALSO BEEN SUSPENDED, APPARENTLY FOR A TWO-WEEK TRIAL PERIOD. THE SUBJECT OF CENSORSHIP IN THE ARTS CONTINUES TO RECEIVE ATTENTION, BUT NO SIGNS OF PROGRESS ARE EVIDENT. IN FACT, THE DOMINANT TV GLOBO CHAIN HAS JUST DECIDED NOT TO RUN ITS LATEST NOVELA (A KIND OF HIGH-POWERED SOAP OPERA, EXTREMELY POPULAR HERE) WHEN CENSORS RULED JUST BEFORE IT WAS TO BEGIN THAT IT HAD TO RUN AT A LATER, LESS PRIME, TIME, AND MADE CUTS WHICH, ACCORDING TO A PRESS QUOTE OF AN UNIDENTIFIED NETWORK OFFICIAL, WOULD MAKE EACH EPISODE (USUALLY ABOUT 40-50 MINUTES) ONLY 15 MINUTES LONG.

8. DEATH SQUAD ACTIVITY WAS NOT NOTED DURING THE PERIOD, WITH THE EXCEPTION OF RIO DE JANEIRO STATE (WHICH AS DEPT KNOWS
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HAS BEEN TROUBLE SPOT IN THIS REGARD). REPORTED CONGEN RIO, "THE DEATH SQUADS IN THE FORMER STATE OF RIO DE JANEIRO HAVE BECOME INCREASINGLY ACTIVE, WITH LARGE NUMBERS OF BODIES (SUPPOSEDLY OF CRIMINALS) BEING DISCOVERED IN RIVERS AND THICKETS IN SUBURBAN AREAS ON A REGULAR BASIS. THIS INTENSIFICATION OF DEATH-SQUAD ACTIVITY IS BEING REPORTED IN THE PRESS AND APPEARS TO BE TAKING PLACE DESPITE SINCERE AND VIGOROUS EFFORTS OF NEW RICH DE JANEIRO STATE SECRETARY FOR SECURITY, GENERAL KOMINGUEZ, TO REORGANIZE THE POLICE OF THE NEW STATE AND ELIMINATE CORRUPTION".

9. THE POLITICAL DIMENSION: WITH THE EFFECTIVE BLOCKING OF THE PARLIAMENTARY COMMISSION OF INQUIRY ON HUMAN RIGHTS (BRASILIA 2322) AND OF THE CONVOCAÇÃO OF JUSTICE MINISTER FALCAO TO

DISCUSS "MISSING PERSONS" (BRASILIA 2792), THE ISSUE OF HUMAN RIGHTS RECEDED FROM THE CENTRAL POSITION IT HAD OCCUPIED ON THE POLITICAL STAGE. OPPOSITION (MDB) MEMBERS HAVE CONTINUED TO SPEAK ON THE ISSUE, AND THEIR COMMENTS, AND THOSE OF OTHERS INTERESTED, ARE CARRIED IN THE PRESS. THE BRAZILIAN ORDER OF LAWYERS (OAB) DIRECTED A MESSAGE OF PROTEST TO PRESIDENT GEISEL ABOUT THE VIOLATION OF THE RIGHTS OF LAWYERS AND OTHERS, AND ALSO BEGAN TO PLUMP FOR GREATER ACTIVITY ON THE PART OF THE HUMAN RIGHTS COUNCIL (COUNCIL FOR THE DEFENSE OF THE RIGHTS OF THE HUMAN PERSON). THE LATTER IDEA REPRESENTS A CHANGE OF POSITION OF THE OAB, WHICH PREVIOUSLY HAD PREFERRED TO IGNORE THE COUNCIL AS A DECK HOPELESSLY STACKED WITH GOVERNMENT REPRESENTATIVES. THE MDB CAME UP WITH A CONGRESSIONAL PROJECT TO RE-ORGANIZE AND RE-ACTIVATE THE COUNCIL, BUT OUR MOST RECENT INFORMATION WAS THAT THE PROJECT WAS STILL STALLED IN COMMITTEE AND SEEMED LIKELY TO STAY THERE. (IN THE SAME VEIN, REPORTS SOME MONTHS AGO THAT THE GOVERNMENT WAS GOING TO HOLD A MEETING OF THE COUNCIL HAVE, SO FAR AT LEAST, PROVED GROUNDLESS.)

10. THE TIGHT LINKAGE BETWEEN THE CONDITION OF HUMAN RIGHTS AND DISTENSION REMAINS IN EFFECT. DISTENSION ESSENTIALLY CAME TO A HALT WITH GEISEL'S AUGUST 1 SPEECH (BRASILIA 6516). (BRASILIA 5981 AND ITS REFS DISCUSS THE PRESSURES AND PROBLEMS LEADING TO THE DECISION.) IRONICALLY, ONE OF THE ELEMENTS STIMULATING HARD-LINE MILITARY PRESSURE ON THE GOVERNMENT WAS PRECISELY THE NOW-LAPSED DRIVE ON HUMAN RIGHTS AND "MISSING PERSONS", WHICH THREATENED TO (AS THE MUCH-USED PHRASE HAD IT) "PUT THE REVOLUTION IN THE PRISONER'S DOCK". THE SENSE OF STANDSTILL
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REGARDING DISTENSION IS REFLECTED IN THE HUMAN RIGHTS AREA.

11. INDEED, REGARDING HUMAN RIGHTS IN GENERAL THERE ARE ELEMENTS EVEN OF RETROGRESSION, BUT THE OVERALL SIGNALS ARE MIXED. THE ENCROACHMENTS IN THE PRESS CENSORSHIP AREA CAN ONLY BE CONSIDERED RETROGRADE, ALTHOUGH THEIR EFFECT HAS BEEN MINOR AT MOST, AT LEAST SO FAR. GEISEL SPECIFICALLY REFERRED TO THE LIBERALIZATION OF THE PRESS WHEN HE RATIFIED, IN THE AUGUST 1 SPEECH, THE ADVANCES ALREADY MADE UNDER DISTENSION: AND THE PRESS CONTINUES TO GIVE LIVELY TREATMENT TO THE FULL RANGE OF ISSUES. THE RESURGENCE OF "DEATH-SQUAD" ACTIVITY IN RIO DE JANEIRO STATE, ACCOMPANIED BY OFFICIAL EFFORTS TO COMBAT IT, IS FINALLY NEUTRAL AS AN INDICATOR OF TRENDS.

12. THE EVIDENT INCREASE IN CASES OF TORTURE CAN LOGICALLY (GIVEN THE DISPOSITION TO USE IT) BE INTERPRETED AS A FUNCTION OF THE INCREASE IN NATIONAL-SECURITY ARRESTS, AN INCREASE RESULTING FROM THE PRINTING-PRESS DISCOVERY AND THE SUBSEQUENT INVESTIGATIONS. BY THE SAME TOKEN, OF COURSE, ASSUMING THAT THE INVESTIGATORY STRING EVENTUALLY RUNS OUT, A FUTURE DECREASE IN SUCH ARRESTS AND INSTANCES OF TORTURE MIGHT REASONABLY BE ANTICIPATED,

WITHOUT SIGNIFYING THAT SUBSTANTIAL ABANDONMENT OF THE PRACTICE
HAD OCCURRED. IF THE SIGNS REGARDING RETROGRESSION ARE MIXED,
HOWEVER, IT IS AT LEAST CLEAR THAT PROGRESS HAS BEEN HALTED,
AND SIGNS OF ITS IMMINENT RESUMPTION ARE NOWHERE TO BE SEEN.
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